
Appeal Decision

Hearing Held on 10 November 2020

Site visit made on 23 October 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/L3625/W/20/3248158

Farm Corner, 15 The Avenue, Tadworth KT20 5AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Axiom Land Ltd against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/00877/F, dated 29 April 2019, was refused by notice dated 6 January 2020.
 - The development proposed is demolition of existing dwellinghouse and annexe, and erection of a two and half storey apartment block comprising 20 dwellings and associated landscaping, refuse storage, and cycle and car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of proposed development provided on the planning application form refers to the erection of 22 dwellings. However, the proposal has been subject to amendment with the scheme being reduced to 20 dwellings. I was advised at the hearing that the revised proposal description has been agreed by the parties and the Council confirmed that public consultation had taken place in respect of the revised proposal. I have, therefore, used the agreed revised proposal description in the banner heading above.
3. The appellant has put forward revised plans, drawing numbers 6817/LS/ASP1.0 Revision I and B1_001 Revision P4. The additional information shown on these drawings illustrates a revised landscape strategy and a revised master plan. This additional information does not materially alter the proposal. In accepting these drawings, I do not consider the interests of parties who might wish to comment would be prejudiced. For this reason, I have had regard to these drawings.

Main Issues

4. The main issues raised by the appeal are: -
 - a) The effect of the proposed development upon the character and appearance of the area; and

- b) Whether the proposed development makes adequate provision for any additional need for public transport infrastructure improvements and/or affordable housing provision arising from the development.

Reasons

Character and appearance

5. Policy DES1 of the Reigate and Banstead Development Management Plan (the DM Plan) 2019 requires, amongst other matters, new development to promote and reinforce local distinctiveness and to respect the character of the surrounding area. The appeal site forms part of The Avenue Residential Area of Special Character (RASC) designation to which Policy DES3 of the DM Plan applies. This policy requires, amongst other matters, the height, depth, elevations, scale and massing of development to respect the form of neighbouring buildings and the character of the RASC and not to result in harmful erosion of the spacing between buildings or lead to an over-dominance of built form within the plot. This policy also seeks to ensure existing tree cover, landscaping, green areas and vegetation are retained, soft and hard landscaping is sensitive to the plot and that parking provision is not dominant within the site or otherwise harmful to the character of the locality.
6. I have been directed to the 'Executive Summary' of the DM Plan (Regulation 19) RASC Review that states "*RASCs are mainly low density areas of housing which have a special and cohesive character worthy of protection. Typically this character consists of homes within large plots, set back from streets with wide verges, which are surrounded by verdant landscaping and leafiness*".
7. Whilst for the most part, including the appeal site, the RASC consists of low density detached dwellings in large plots, the area to the east and south of The Avenue consists of higher density development culminating in terraced properties to the far east. I observed that in general low density is a discernible characteristic of the majority of the RASC with the exception of that development to the very east. There is also a clear distinction between the higher density residential development in the area that surrounds and abuts the RASC, as well as the character of Tadworth Grove and Avenue Court opposite the appeal site.
8. Although the recent developments at Bramber Close and Bishops Grove are of higher density, they retain the character and appearance of single dwellings within their own plots. Recent developments at Orchard Place and Miller Smith Close reflect the slightly higher density and closeness of existing development within that part of the RASC, which is separated from the RASC to the west by Tadworth Grove and Orchard Court.
9. The residential development in the RASC is of varied appearance. There are two and a half storey developments within the RASC but the issue of height needs to be assessed in the context of the existing development immediately either side and have regard to the overall size of the proposal, as required by Policy DES3 of the DM Plan.
10. The footprint of the proposed development would be significantly larger than that of the residential properties within the RASC, as well as that of the adjacent development at No 13 The Avenue that falls outside the RASC designation. The frontage and depth of the development would be

substantially wider and deeper than those properties either side, and wider and deeper than the majority of the properties within the RASC. Furthermore, elements of the roof would be taller than that of the developments either side, with the exception of the turret feature at No 13. The proposed width, height and depth of this proposed development would appear disproportionately large when compared to the properties either side, as well as when compared to other properties within the RASC. The eave height at the western end would visually emphasise the development's disproportionate relationship with No 17 The Avenue. The development at Tadworth Grove and Orchard Court opposite the site and beyond the RASC designation would not justify such a large development at the appeal site and within the RASC.

11. The appeal plot is larger than most of the other plots within the RASC, nonetheless I do not consider the development would be of an appropriate height, depth and overall size that would respect the form of neighbouring buildings and the character of the RASC as required by Policy DES3. Despite the design and articulation of the building, along with the building's step down towards the rear of the site that is of a lesser width than that of the front element, the overall size of the proposed development would create the appearance of over-dominance of built form within the plot.
12. I have been provided with diagrams and calculations of building footprint and frontage ratios to make a comparison with a selection of other properties in the RASC, as well as some outside the RASC. It was advised at the hearing that these figures relate to width at ground level and do not account for upper storeys or depth of developments. Therefore, the information provided by these diagrams and calculations are somewhat single dimensional. A comparison with the recent developments that have taken place has been included. However, a single large apartment block proposal has very different context to that of the recently erected frontage dwellings that have gaps between them. I do not consider the diagrams and calculations serve to demonstrate that the existing buildings within the RASC boundary have a substantially dense built-up appearance that could justify the proposal.
13. There are developments within the RASC that are positioned close to the side boundaries of their plots. Although the development is proposed close to the eastern boundary of the site, there would be space between the proposal and No 13. Nonetheless, unlike the majority of the properties within the RASC that are generally of single dwelling domestic scale and form, the proposal would create a substantial mass of built form close to the eastern boundary of the site. I have found that this would not respect the form of neighbouring buildings and the character of the RASC.
14. A considerable amount of the site would be hardsurfaced to provide driveway access and vehicle parking. This would not be sensitive to the plot as the hard landscaping would replace a large portion of the existing garden area and would occupy a considerable amount of land within the site. As such, this would be a dominant feature within the site and contrast to other properties within the RASC. Furthermore, the green verge at the front of the site which is a characteristic of many properties within the RASC would be crossed by footpaths and this would erode the spacious green character. These hardsurfaced features would significantly reduce the amount of green area within the site which Policy DES3 seeks to retain. I do not consider that the proposed parking should be judged against a small minority of properties

within the RASC that host hardsurfaced frontages or that these would justify the extent of hardsurfacing proposed at this site.

15. A landscape strategy has been put forward that aims to soften and reduce the visibility of the development in public views. However, the overall frontage width and height of the development, along with the deep flank elevations would be clearly visible in localised public views, as the street scene perspectives illustrate. Even if limited in view, the hardsurfaced areas would be visible along the access. Although the Council is concerned that there would be an insufficient level of soft landscaping, the landscape strategy would increase trees/landscaping at the site and retain the existing frontage fence and hedge. Notwithstanding this, I do not consider these landscaping features would sufficiently obviate the visual harm arising from the development as views could be achieved between trees.
16. Consequently, taking these matters collectively, the proposed development would not reinforce the local distinctiveness of the RASC or respect the character of the surrounding area. Furthermore, it would not maintain the low density housing character of the RASC which is recognised as being worthy of protection. As a result, the development would appear out of keeping with the open spacious character of the area.
17. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area and the proposal would, therefore, conflict with Policies DES1 and DES3 of the DM Plan and the Reigate and Banstead Local Distinctiveness Design Guide.

Public transport infrastructure improvements and affordable housing provision

18. The Highway Authority has identified that a contribution is required to improve public transport infrastructure within the vicinity of the site. The contribution would either provide bus shelters at two bus stops at Station Approach or real time passenger information.
19. Policy TAP1 of the DM Plan encourages initiatives within new developments to increase travel by more sustainable options to help reduce the impact and frequency of travel by individual private car journeys. This reflects the National Planning Policy Framework's (the Framework) objective to promote sustainable transport modes. Whilst the appeal site is in a location accessible to Tadworth and its train station, the site is also within approximately 400m of two bus stops at Station Approach. I have been provided with details of the daytime bus services linked with the bus route. The Council indicates this route provides access to a wide range of employment, education, retail and leisure facilities beyond a 2km walk and 5km cycling distance from the site.
20. The Council has adopted a Community Infrastructure Levy (CIL) charging regime that will pay for improved facilities for schools, public transport and community facilities, albeit CIL does not provide certainty as to precisely what public transport improvements it would facilitate. However, this contribution is sought in addition to CIL. The improvements to waiting infrastructure at the two bus stops at Station Approach would benefit the future occupiers of the proposed development. On this basis the Council's planning authority considers its requested transport infrastructure contribution to be reasonable. I do not consider that such a request should necessarily be limited to those

developments that only meet the County Council's threshold for requiring a Transport Statement/Assessment.

21. The bus stops are within a relatively short walking distance of the appeal site. The improvements would not address an identified shortage in terms of existing transport infrastructure and I acknowledge that the bus stops already exist. Nonetheless, improvements to waiting infrastructure of these bus stops would likely encourage future occupiers to travel by public transport and, therefore, reduce their reliance on private vehicle reducing the potential traffic generation arising as a result of addition occupiers at the site.
22. The appellant highlights that neither the County Council nor Borough Council are suggesting that the proposed development is unacceptable without public transport infrastructure improvements. Nonetheless, reducing the reliance on private vehicle is in line with the encouragement of the development plan. Having regard to the tests in Regulation 122 of the CIL Regulations and the Framework I consider this contribution to public transport improvements to be necessary to make the development acceptable in planning terms, be directly related to the development; and would be fairly and reasonably related in scale and kind to the development.
23. With regard to affordable housing, Policy DES6 states that where it can be robustly justified, should the Council consider it would not be suitable or practical to provide affordable housing on site it may accept affordable housing provided on an alternative site or as a payment in lieu. There is agreement between parties that an affordable housing payment can be made in lieu of providing affordable housing as part of this development. This has been scrutinised by means of a viability appraisal. On the available evidence I see no reason to come to a different view on this matter.
24. A Unilateral Undertaking (UU) has been provided that would secure both the public transport improvements and affordable housing in lieu payment, however it is unsigned and undated. Notwithstanding this, given I have not found in favour of the first main issue I have not pursued the completion of the UU.

Other Matters

25. The proposed redevelopment of the site has been subject to the Council's pre-application advice service and public consultation during the design evolution. In addition, the proposal has evolved post submission reducing it in size. Whilst this may be so, I must consider the proposal before me that has been determined by the Council.
26. The proposal would optimise the site, provide high-quality energy efficient residential accommodation and bring about economic benefits through the construction process. Whilst these are benefits of the scheme, as would a financial contribution to affordable housing and upgrades to highway infrastructure, these matters would not outweigh the harm that I have identified to the character and appearance of the area or justify the proposed scheme. Whilst the proposal would bring forward housing within the Borough, I have not been directed to any indication that shortfall in housing land supply is of a particular concern. Those benefits brought about by CIL are separate to planning and hold neutral weight in favour of the proposed development.

27. I have been directed to other developments that have taken place but those do not appear to relate to Tadworth or the area local to the appeal site. Therefore, the considerations and circumstances relating to those developments are likely to be different to those of the case before me.

Conclusion

28. A number of interested parties have raised a series of other concerns about the proposal but in view of my conclusions on the main issues there is no need for me to address these in the current decision.

29. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR

ATTENDANCE

FOR THE APPELLANT:

Mr Richard Quelch
Mr Dominic Chapman
Mr Ignus Froneman
Mr Stuart Davies
Mr Gary Durden
Mr Chris Coates

FOR THE LOCAL PLANNING AUTHORITY:

Mr Matthew Sheahan
Mr John McInally
Mr Scott Dickson

INTERESTED PERSONS:

Gillian Hein
Cllr Turner
Ms Crahart
Peter Dodd
Bran Allan
Lauren Crompton
David Crampton
Jabetha Radish

DOCUMENTS SUBMITTED LEADING UP TO THE HEARING

Unilateral Undertaking received 9 November 2020